



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,694	01/12/1999	ASHISH PANDYA	50353	8224

7590

11/08/2002

Dike, Bronstein, Roberts & Cushman  
Intellectual property practice Group  
Edwards & Angell  
P.O. Box 9169  
Boston, MA 02209

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 11/08/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/228,694

Applicant(s)

PANDYA ET AL.

Examiner

Sin J Lee

Art Unit

1752

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 30 August 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The copy of the appealed claims as presented in the "Appendix" is still replete with many instances in which a claim as shown in the "Appendix" does not match word for word with present claim that appears on the record. See attachment.



JANET BAXTER

SENIOR PATENT EXAMINER

CENTER 1700

Art Unit: 1752

1. There are many claims in the "Appendix" of the appeal brief filed on August 30, 2002 which do not match with the present claims that appear on the record. For example, in present claims 3, 6, 8, and 18 as shown on the record (see the amendment filed on May 1, 2000), the  $(R^1)_m$  moiety is omitted from the second repeating unit of the polymer whereas in those claims shown in the "Appendix", the  $(R^1)_m$  moiety is shown as attached to the second repeating unit of the polymer. Also there are number of claims (specifically, claims 3, 6, 8, 17, 18, 20, and 25) in the "Appendix" of the appeal brief which do not match (word for word) with the present claims that appear on the record (see MPEP 1206 under "APPEAL BRIEF CONTENT" and 37 CFR 1.192(c)(9)). As one of many examples, in present claim 6 on the record (see the amendment filed on May 1, 2000), applicants recite "w, x and y are each greater than 0 and are *the* mole percents of the respective *polymer* units." However, in claim 6 shown in the "Appendix" of the appeal brief, it is recited that "w, x and y are each greater than 0 and are mole percents of the respective units of the polymer."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is (703) 305-0504. The examiner can normally be reached on Monday-Friday from 8:30 am EST to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Janet Baxter, can be reached on (703) 308-2303. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311 for after final responses or (703) 872-9310 for before final responses.

Application/Control Number: 09/228,694

Page 3


Art Unit: 1752

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0661.

S. Lee

S. Lee

November 6, 2002

  
JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700